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Docket No.: AB-349U

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.: 10/622,227
Conf. No.: 4651

Applicant: Andres M. Lozano
Filed: July 18, 2003
TC/A.U.: 3739
Examiner: Rosalind Stacie Rollins

Title: Brain Stimulation Lead used for Lesioning

Docket No.: AB-349U
Customer No.: 23845

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Signature: Laura Bishop

Date: 2005 Aug 15

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Response to Restriction Requirement

Dear Examiner:

This amendment responds to the Office Action mailed June 28, 2005 for the subject application in which claims 1-26 were made subject to a restriction and/or election requirement. Please amend the above-identified application as indicated below:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks appear on page 8 of this paper.

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Resp. to Restr. Req. dated Aug. 15, 2005
Reply to Office Action mailed June 28, 2005

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Remarks

In response to the restriction requirement mailed June 28, 2005, applicant elects the invention set forth in Species VI, Figure 5, with traverse. The claims that are readable thereon are claims 1-3, 5, 8-12, 16, 17-19, and 23-26.

In the Office action dated June 28, 2005, the Examiner indicated that, currently, no claim is generic. Applicant respectfully submits that at least independent claims 1, 8, 15, 17, and 23 are readable on every species identified in the Office action, and are generic. For instance, each species includes a brain stimulation lead including at least one electrode capable of delivering both stimulation pulses and lesioning current, at least one contact that connects to an RF generator, at least one wire electrically connecting the at least one contact to the at least one electrode, and at least one temperature sensor, as required by claim 1. As such, applicant urges that the Examiner find at least independent claims 1, 8, 15, 17, and 23 to be generic.

Claims 4, 6, 7, 13, 14, 16, and 20-22 are withdrawn. Applicant does not traverse on the grounds that the species are not patentably distinct, but that no claims were considered generic. Applicant reserves the right to pursue the subject matter of Species I, II, III, IV, V, VII, VIII, and IX in the present application if a generic claim is finally held to be allowable or in a continuing application(s).

In view of the above, applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully Submitted,

2005 Aug 15
Date

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